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C O N F I D E N T I A L SECTION 01 OF 03 PRISTINA 000414

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DEPT FOR DRL, INL, AND EUR/SCE, NSC FOR BRAUN, USUN FOR
DREW SCHUFLETOWSKI, USOSCE FOR STEVE STEGER

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TAGS: [PGOV](#) [KDEM](#) [EAID](#) [UNMIK](#) [YI](#)

SUBJECT: KOSOVO: REAL WORK ON NOVEMBER ELECTIONS NEEDS TO
BEGIN NOW

Classified By: COM TINA KAIDANOW FOR REASONS 1.4 (B) AND (D).

11. (C) SUMMARY: The Transition Working Group on Elections has finished work and submitted a report of its four months of deliberations at the May 21 meeting of the Strategic Group on Transition, headed by UNMIK SRSG Joachim Ruecker. While there was early agreement on proportional voting based on an open list with Kosovo as one electoral district, the working group could not reach consensus on either a threshold for Albanian parties or who should lead the drafting of election-related laws required by the Ahtisaari final status proposal. Elections experts from the OSCE Mission in Kosovo have developed a timeline for holding central elections in Kosovo on November 24, 2007, but meeting this deadlines will require substantial work beginning as early as next month. The first steps will be creating a functioning Central Election Commission (CEC), set up in accordance with the Ahtisaari proposal, and completing first drafts of new election-related laws by the end of June 2007. The transition group has done decent early work at arriving at political consensus on key issues. We will need, however, to make certain the CEC is able to function effectively to meet the November elections target date, urge the government to draft elections-related laws, and keep the OSCE from interfering in the consensus among Kosovar political parties to have central and municipal elections on the same day. Maintaining an early election timeline will also be critical to keeping the Unity Team even remotely unified in the transition period -- without the promise of early elections, opposition members of the team are likely to defect as soon as independence is declared. END SUMMARY.

Progress made in gaining agreement on parties on elections timing, other issues

12. (SBU) The main attraction at the May 21 meeting of the Strategic Group on Transition was a briefing by Deputy PM Lutfi Haziri and OSCE Mission in Kosovo HOM Amb. Werner Wnendt on the completion of work by the Transition Working Group on Elections. This working group met thirteen times from January 9 through May 4, 2007 and reached consensus on all but two of the issues presented to it for discussion. Given strict marching orders from Kosovo's Unity Team, members of the working group quickly decided on a

proportional voting system using open lists, with Kosovo as a single electoral district. Subsequent agreement was also obtained on balancing gender representation (30 percent); electing mayors directly; transferring authority for political party registration to the CEC; establishing an ad-hoc quasi-judicial body within the CEC to handle election appeals; updating the voters' lists and continuing the use of conditional ballots; confirming the use of voter eligibility criteria set forth in the Ahtisaari proposal; allowing candidates to run in both central and local elections provided they choose between one of the mandates; giving the President the responsibility to announce the date for elections and the CEC the responsibility for confirming the final results of elections (provided they have been certified by a competent international authority as having met international standards); holding elections not later than six months after the adoption of a new UNSC resolution on Kosovo's status; and continuing existing principles for candidate financial disclosure and political entity and candidate certification. The group agreed that municipal elections will also be conducted using a proportional system with open lists -- the results of which will have at least 30 percent gender balance -- with each municipality representing a single, multi-member electoral district.

13. (SBU) The two issues on which consensus was not reached were the level of a new threshold for ethnic Albanian political parties to receive seats, and who should be responsible for drafting the new election-related laws required by the Ahtisaari package. All of the Albanian parties (save Veton Surroi's ORA Reform Party) pursued a three percent initial threshold to gain any seats in the Kosovo Assembly. ORA's representative thought the group had

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approved a 2.5 percent threshold for Albanian parties. The group did, however, eventually forge a consensus around not applying a threshold to political entities representing minority communities. The group agreed that there should be four separate election-related laws dealing with central elections, local elections, the CEC and political parties. Consensus was eventually reached on the composition of a special commission to draft these laws -- it will resemble the composition of the working group -- but the group could not reach a decision on who should chair the work of this new commission.

Despite Progress, Much Still Needs to be Done for November Elections

14. (C) The group agreed that elections should be held no later than six months after a new UNSC resolution on Kosovo. This is earlier than the nine month deadline set forth in the Ahtisaari proposal. In addition to the resolution of the remaining issues by the Unity Team, much work drafting these new laws needs to begin soon. Reconstituting the CEC as soon as possible is critical to running elections in November. OSCE election experts and the head of the local office of the International Foundation for Electoral Systems (IFES) admit that the current CEC is not up to the task of running elections in November. The local IFES representative places the blame for this squarely on the OSCE, which has done little to build capacity within the CEC Secretariat. Our first step will be to convince everyone (OSCE, UNMIK and the Unity Team) to move forward in naming new members of the CEC as required by the Ahtisaari proposal. Annex One, Article Seven of the proposal provides that the CEC shall have eleven members, including the Chair of the CEC appointed by the President of Kosovo from among the members of the Supreme Court and the District Courts. Six of these members shall be appointed by the six biggest parliamentary groups represented in the Assembly that are not entitled to reserved seats; one member shall be appointed by the Assembly members holding seats reserved or guaranteed for the Kosovo Serb community, and the remaining three by Assembly members holding seats or guaranteed for other minority communities. The main

differences between the current CEC and the one proposed in the Ahtisaari plan is the presence in the existing CEC of two representatives each from civil society and the international community and the role of the OSCE HOM as co-chair.

15. (C) While OSCE HOM Wnendt is agreeable to beginning the process of reconstituting the CEC (so long as he remains its chair until there is a new UNSC resolution), UNMIK staff has been reluctant to start implementing the Ahtisaari proposal until there is a new resolution. The simplest way to jump-start planning for elections in November is to convince the political parties and entities that name nine of the members of the current 13-member CEC to themselves name new representatives to the current CEC and agree that these same people will be nominated for the new eleven-person CEC envisioned under the Ahtisaari agreement. The five major Albanian parties that participated in the November 2003 elections (the Democratic League of Kosovo, the Democratic Party of Kosovo, the Alliance for the Future of Kosovo and the ORA Reform Party) will each get to name one member to the new CEC. They will be joined on the new CEC by a representative of former Kosovo Assembly president Nexhat Daci's breakaway Democratic League of Dardania and a representative of one of four fringe parties (the Liberal Party of Kosovo, the Justice Party and the two wings of the Democratic Christian Party of Kosovo) who each have one representative in the Kosovo Assembly. (NOTE: It is not clear to us how and by whom this seat will be apportioned. END NOTE). One member will be appointed by Assembly members holding seats reserved for the Serb minority community. The remaining three members in both the existing CEC and the new CEC are nominated by members of the Kosovo Assembly from the non-Serb minority (Roma, Ashkali and Egyptian, Turkish and Bosniak) communities.

Tight Timeline for Elections Work

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16. (C) The elections staff at the OSCE has developed a tentative six-month timeline for holding central elections in Kosovo on November 24, 2007. The timeline requires the design, planning and implementation of a plan for "out of Kosovo" voting, creation of polling units in each municipality and preparatory work for updating the voter registry and a voter education plan during the month of June. Design of an "out of Kosovo" voting campaign will depend on a decision on whether to use mail ballots or Kosovo's planned diplomatic facilities. The OSCE must give up its current tight control over the voter registry and provide it to the CEC so that it can start planning on how to update it. The CEC recently signed a Memorandum of Understanding with the Ministry of Public Services to cooperate on planning for the upcoming elections, pursuant to which the Ministry will provide digital maps and training to the CEC to determine polling units and polling stations.

17. (C) The six-month timeline provides that in July, the "out of Kosovo" voting plan and training of election officials on the plan will be completed, and the process of collecting data for updating the voter list will begin. August would be the heaviest month of activity. The timeline requires the submission and verification of political entities and candidates, preparation, printing and distribution of the polling manual and the continuation of collecting data for updating the voter list. September remains as busy with short periods for certifying the registration of political entities and candidates, finalizing ballot design, conducting a tender for ballot design, finishing the collection of data for updating the voter list and actual data entry to update the list. During October, the plan provides for the actual printing of ballots, beginning the "out of Kosovo" voting procedure, and printing out the updated voter's list. In the month of November, polling station workers must be trained and the "out of Kosovo" voting would continue until election day, November 24.

18. (C) COMMENT: The Transition Working Group on Elections has done some good early work at arriving at political consensus for Kosovo's next elections. Members of the Political Strategic Group (the experts who inform their political masters on the Unity Team) have also expressed an early preference for holding both central and municipal elections at the same time and limiting voters to voting for one candidate off the open list. OSCE election experts have already begun to question this decision and are building their case against this. We would prefer that OSCE not interfere in what should be a political decision, and we will work to keep to the draft timeline for November 24 elections by getting a new CEC in place as soon as possible so that it can begin its work. We will also press the Unity Team to resolve the few outstanding political issues, and then work with the government to form the commission that will draft the necessary election-related laws.

19. (C) Comment, cont. Keeping to a short election timeline is not only important for implementation of the Ahtisaari plan, it is central to maintaining even the semblance of unity among the Unity Team post-independence; without the promise of elections in a relatively short time horizon, we have little hope of keeping the opposition on board for critical decisions that will require consensus, including promulgation of the constitution. Opposition PDK leader Hashim Thaci has already made this abundantly clear, and we can be sure he means it. End Comment.
KAIDANOW